

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects.

**DISPOSITION:** June 8, 1954. Default decree of condemnation and destruction.

**21645. Adulteration of pickles. U. S. v. 728 Cases \* \* \*. (F. D. C. No. 36508. Sample No. 80455-L.)**

**LIBEL FILED:** April 15, 1954, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about February 23, 1954, by Lester's Food Market, from Baltimore, Md.

**PRODUCT:** 728 cases, each containing 12 1-quart jars, of pickles at Philadelphia, Pa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

**DISPOSITION:** July 14, 1954. Default decree of condemnation and destruction.

**21646. Adulteration of canned sauerkraut. U. S. v. 48 Cases \* \* \*. (F. D. C. No. 36734. Sample No. 82785-L.)**

**LIBEL FILED:** May 3, 1954, Western District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about March 11, 1954, by the Empire State Pickling Co., from Phelps, N. Y.

**PRODUCT:** 48 cases, each containing 24 cans, of sauerkraut at Pittsburgh, Pa.

**LABEL, IN PART:** (Can) "Silver Floss Brand Contents 1 Lb. 11 Oz. \* \* \* Sauerkraut."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, and rodent hairs; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** June 22, 1954. Default decree of condemnation and destruction.

## NUTS AND NUT PRODUCTS

**21647. Adulteration of mixed nuts. U. S. v. 10 Bags \* \* \*. (F. D. C. No. 36902. Sample No. 79329-L.)**

**LIBEL FILED:** July 16, 1954, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about November 17, 1953, from Chico, Calif.

**PRODUCT:** 10 100-pound bags of mixed nuts at Columbus, Ohio.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-infested walnuts and almonds, and of a decomposed substance by reason of the presence of moldy almonds. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** September 7, 1954. Default decree of destruction.

**21648. Adulteration of peanuts (oil stock). U. S. v. 180 Bags \* \* \*. (F. D. C. No. 36522. Sample No. 72527-L.)**

**LIBEL FILED:** April 22, 1954, Eastern District of Virginia.

**ALLEGED SHIPMENT:** On or about March 29, 1954, by the Severn Peanut Co., from Severn, N. C.

**PRODUCT:** 180 100-pound bags of peanuts (oil stock) at Suffolk, Va.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, rodent hairs, and debris; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** The Severn Peanut Co., Inc., claimant, filed an answer denying that the product was adulterated as alleged in the libel. Thereafter, the Government served a set of written interrogatories upon the claimant. On June 15, 1954, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was reconditioned, with the result that 795 pounds of the product were found unfit and were denatured.

**21649. Adulteration of pecan meal. U. S. v. 117 Boxes \* \* \*. (F. D. C. No. 37024. Sample No. 71724-L.)**

**LIBEL FILED:** July 29, 1954, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about June 15, 1954, by Sam A. Pierce, Inc., from Cairo, Ga.

**PRODUCT:** 117 boxes of pecan meal at Brooklyn, N. Y.

**LABEL, IN PART:** (Box) "Pecan Meal Net Wt. 30 Millers Select \* \* \* Pecans Packed by Miller Pecan Co. Albany, Ga."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect parts.

**DISPOSITION:** September 22, 1954. Default decree of condemnation and destruction.

## OILS AND FATS

**21650. Adulteration of chicken fat. U. S. v. H. A. Whelan Co., Inc., and Harold A. Whelan. Pleas of guilty. Fine of \$150 against corporation and \$50 against individual. (F. D. C. No. 34854-A. Sample No. 49178-L.)**

**INFORMATION FILED:** July 30, 1953, District of Massachusetts, against H. A. Whelan Co., Inc., Boston, Mass., and Harold A. Whelan, president and treasurer of the corporation.

**ALLEGED SHIPMENT:** On or about November 19, 1952, from the State of Massachusetts into the State of New Jersey.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of fecal matter, and of a decomposed substance by reason of the presence of decomposed chicken fat.

**DISPOSITION:** March 22, 1954 The defendants having entered pleas of guilty, the court fined the corporation \$150 and the individual \$50.